

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
San Jose DIVISION**

In re: BRIAND PROPERTIES, LLC

§ Case No. 16-50041

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Debtor(s)

**CHAPTER 7 TRUSTEE'S FINAL ACCOUNT AND DISTRIBUTION
REPORT CERTIFICATION THAT THE ESTATE HAS BEEN FULLY
ADMINISTERED AND APPLICATION TO BE DISCHARGED (TDR)**

Kari S. Bowyer, chapter 7 trustee, submits this Final Account, Certification that the Estate has been Fully Administered and Application to be Discharged.

1) All funds on hand have been distributed in accordance with the Trustee's Final Report and, if applicable, any order of the Court modifying the Final Report. The case is fully administered and all assets and funds which have come under the trustee's control in this case have been properly accounted for as provided by law. The trustee hereby requests to be discharged from further duties as a trustee.

2) A summary of assets abandoned, assets exempt, total distributions to claimants, claims discharged without payment, and expenses of administration is provided below:

Assets Abandoned: \$158,100.00

(without deducting any secured claims)

Assets Exempt: N/A

Total Distributions to Claimants: \$2,090,415.05

Claims Discharged

Without Payment: N/A

Total Expenses of Administration: \$392,643.84

3) Total gross receipts of \$3,640,000.00 (see **Exhibit 1**), minus funds paid to the debtor and third parties of \$1,156,941.11 (see **Exhibit 2**), yielded net receipts of \$2,483,058.89 from the liquidation of the property of the estate, which was distributed as follows:

	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
SECURED CLAIMS (from Exhibit 3)	\$0.00	\$1,690,878.55	\$2,033,777.69	\$2,033,777.69
PRIORITY CLAIMS: CHAPTER 7 ADMIN. FEES AND CHARGES (from Exhibit 4)	\$0.00	\$371,643.84	\$371,643.84	\$371,643.84
PRIOR CHAPTER ADMIN. FEES AND CHARGES (from Exhibit 5)	\$0.00	\$21,000.00	\$21,000.00	\$21,000.00
PRIORITY UNSECURED CLAIMS (from Exhibit 6)	\$0.00	\$3,739.64	\$3,739.64	\$3,739.64
GENERAL UNSECURED CLAIMS (from Exhibit 7)	\$0.00	\$52,004.43	\$52,897.72	\$52,897.72
TOTAL DISBURSEMENTS	\$0.00	\$2,139,266.46	\$2,483,058.89	\$2,483,058.89

4) This case was originally filed under chapter 7 on 01/06/2016, and it was converted to chapter 7 on 07/07/2016. The case was pending for 18 months.

5) All estate bank statements, deposit slips, and canceled checks have been submitted to the United States Trustee.

6) An individual estate property record and report showing the final accounting of the assets of the estate is attached as **Exhibit 8**. The cash receipts and disbursements records for each estate bank account, showing the final accounting of the receipts and disbursements of estate funds is attached as **Exhibit 9**.

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Dated: 01/05/2018

By: /s/ Kari S Bowyer
Trustee

STATEMENT This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

**EXHIBITS TO
FINAL ACCOUNT**

EXHIBIT 1 – GROSS RECEIPTS

DESCRIPTION	UNIFORM TRAN. CODE ¹	\$ AMOUNT RECEIVED
Real Property- Adjoining parcels 545 S. 2nd 472-26-085 and 540 S. 1st Parking Lot 472-26-035	1110-000	\$3,640,000.00
TOTAL GROSS RECEIPTS		\$3,640,000.00
¹ The Uniform Transaction Code is an accounting code assigned by the trustee for statistical reporting purposes.		

EXHIBIT 2 – FUNDS PAID TO DEBTOR & THIRD PARTIES

PAYEE	DESCRIPTION	UNIFORM TRAN. CODE	\$ AMOUNT PAID
BRIAND PROPERTIES, LLC	Claim Dividend paid 100.00% on \$811,941.11] Claim Number SURPLUS Claim Filed Amount \$0.00	8200-002	\$811,941.11
Cornerstone Title Company	Return of funds to title company to be distributed to Michael Dorian from escrow. Order Dkt. 87/92	8200-052	\$345,000.00
TOTAL FUNDS PAID TO DEBTOR & THIRD PARTIES			\$1,156,941.11

EXHIBIT 3 - SECURED CLAIMS

Claim NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6D)	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
1-2	Berliner Cohen LLP c/o Christian E. Picone	4110-000	NA	\$258,697.31	\$281,118.73	\$281,118.73
5-2	Robert Paul Didier Inc. Benefit Plan, et alPatric J. Kelly Adleson, Hess and Kelly, APC	4110-000	NA	\$1,325,626.64	\$1,644,365.88	\$1,644,365.88
9	Santa Clara County Office of the Tax Collector	4110-000	NA	\$106,554.60	\$108,293.08	\$108,293.08
TOTAL SECURED			\$0.00	\$1,690,878.55	\$2,033,777.69	\$2,033,777.69

EXHIBIT 4 – CHAPTER 7 ADMINISTRATIVE FEES and CHARGES

PAYEE	UNIFORM TRAN. CODE	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
Trustee, Fees - Kari S. Bowyer	2100-000	NA	\$97,757.86	\$97,757.86	\$97,757.86
Trustee, Expenses - Trustee Insurance Agency	2200-000	NA	\$2,931.44	\$2,931.44	\$2,931.44
Trustee, Expenses - Kari S. Bowyer	2200-000	NA	\$105.19	\$105.19	\$105.19
Attorney for Trustee Fees - Rincon Law LLP	3110-000	NA	\$46,028.00	\$46,028.00	\$46,028.00
Charges, U.S. Bankruptcy Court	2700-000	NA	-\$2,362.77	-\$2,362.77	-\$2,362.77
Bond Payments - BOND	2300-000	NA	\$531.34	\$531.34	\$531.34
Costs to Secure/Maintain Property (insurance, locks, etc.) - Credit	2420-000	NA	-\$154.29	-\$154.29	-\$154.29
Costs to Secure/Maintain Property (insurance, locks, etc.) - Marshall Eviction	2420-000	NA	\$260.54	\$260.54	\$260.54
Costs to Secure/Maintain Property (insurance, locks, etc.) - Reimbursement for funds advanced for invoice from Tomys Lock and Key to A. Buchanan	2420-000	NA	\$303.30	\$303.30	\$303.30
Costs to Secure/Maintain Property (insurance, locks, etc.) - Reimbursement for towing service advanced by K. Bowyer to H&R Towing	2420-000	NA	\$250.00	\$250.00	\$250.00
Costs re Sale of Property (closing costs, etc. not realtor comm.) - County Transfer Tax split 50/80	2500-000	NA	\$2,002.00	\$2,002.00	\$2,002.00
Costs re Sale of Property (closing costs, etc. not realtor comm.) - Escrow Fee	2500-000	NA	\$1,600.00	\$1,600.00	\$1,600.00
Costs re Sale of Property (closing costs, etc. not realtor comm.) - FTB Filing	2500-000	NA	\$45.00	\$45.00	\$45.00
Costs re Sale of Property (closing costs, etc. not realtor comm.) - Notary Fee	2500-000	NA	\$30.00	\$30.00	\$30.00
Costs re Sale of Property (closing costs, etc. not realtor comm.) - Order- Recording	2500-000	NA	\$37.00	\$37.00	\$37.00
Costs re Sale of Property (closing costs, etc. not realtor comm.) - Owner's Coverage	2500-000	NA	\$4,110.00	\$4,110.00	\$4,110.00
Banking and Technology Service Fee - Rabobank, N.A.	2600-000	NA	\$11,026.10	\$11,026.10	\$11,026.10

Other State or Local Taxes (post-petition) - 1st Installment 2016*17 Property Taxes	2820-000	NA	\$7,208.45	\$7,208.45	\$7,208.45
Other State or Local Taxes (post-petition) - 2016/17 Property Taxes to Santa Clara County	2820-000	NA	\$4,903.89	\$4,903.89	\$4,903.89
Other State or Local Taxes (post-petition) - City Transfer Tax split 50/50	2820-000	NA	\$6,006.00	\$6,006.00	\$6,006.00
Other State or Local Taxes (post-petition) - County Taxes (Paid) 11/2/16 to 01/01/17	2820-000	NA	-\$1,607.39	-\$1,607.39	-\$1,607.39
Other State or Local Taxes (post-petition) - FRANCHISE TAX BOARD	2820-000	NA	\$3,484.00	\$3,484.00	\$3,484.00
Other State or Local Taxes (post-petition) - FTB withholding based on 3.33%	2820-000	NA	\$121,212.00	\$121,212.00	\$121,212.00
Other Chapter 7 Administrative Expenses - Office of the United States Trustee	2990-000	NA	\$1,300.28	\$1,300.28	\$1,300.28
Attorney for Trustee Fees (Other Firm) - Dentons US LLP	3210-000	NA	\$41,169.00	\$41,169.00	\$41,169.00
Attorney for Trustee Expenses (Other Firm) - Dentons US LLP	3220-000	NA	\$318.01	\$318.01	\$318.01
Attorney for Trustee Expenses (Other Firm) - Rincon Law LLP	3220-000	NA	\$536.38	\$536.38	\$536.38
Accountant for Trustee Fees (Other Firm) - KOKJER, PIEROTTI, MAIOCCO & DUCK LLP	3410-000	NA	\$4,556.50	\$4,556.50	\$4,556.50
Accountant for Trustee Expenses (Other Firm) - KOKJER, PIEROTTI, MAIOCCO & DUCK LLP	3420-000	NA	\$56.01	\$56.01	\$56.01
Realtor for Trustee Fees (Real Estate Commissions) - Listing Commission- Intero Real Estate; Lincoln	3510-000	NA	\$18,000.00	\$18,000.00	\$18,000.00
TOTAL CHAPTER 7 ADMIN. FEES AND CHARGES		NA	\$371,643.84	\$371,643.84	\$371,643.84

EXHIBIT 5 – PRIOR CHAPTER ADMINISTRATIVE FEES and CHARGES

PAYEE	UNIFORM TRAN. CODE	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
Prior Chapter Attorney for Trustee/DIP Fees (Other Firm) - Stanley Zlotoff	6210-000	NA	\$21,000.00	\$21,000.00	\$21,000.00
TOTAL PRIOR CHAPTER ADMIN. FEES AND CHARGES		\$0.00	\$21,000.00	\$21,000.00	\$21,000.00

EXHIBIT 6 – PRIORITY UNSECURED CLAIMS

CLAIM NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6E)	CLAIMS ASSERTED (from Proofs of Claim)	CLAIMS ALLOWED	CLAIMS PAID
2P	FRANCHISE TAX BOARD	5800-000	NA	\$3,739.64	\$3,739.64	\$3,739.64
TOTAL PRIORITY UNSECURED CLAIMS			\$0.00	\$3,739.64	\$3,739.64	\$3,739.64

EXHIBIT 7 – GENERAL UNSECURED CLAIMS

CLAIM NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6F)	CLAIMS ASSERTED (from Proofs of Claim)	CLAIMS ALLOWED	CLAIMS PAID
2PI	FRANCHISE TAX BOARD	7990-000	NA	NA	\$42.80	\$42.80
2U	FRANCHISE TAX BOARD	7300-000	NA	\$799.40	\$799.40	\$799.40
2UI	FRANCHISE TAX BOARD	7990-000	NA	NA	\$9.15	\$9.15
3	Internal Revenue Service	7100-000	NA	\$1,617.26	\$1,617.26	\$1,617.26
3-1	Internal Revenue Service	7300-000	NA	\$12,036.00	\$12,036.00	\$12,036.00
3-1I	Internal Revenue Service	7990-000	NA	NA	\$137.76	\$137.76
3I	Internal Revenue Service	7990-000	NA	NA	\$18.51	\$18.51
4	Pacific Gas and Electric Company	7100-000	NA	\$8,159.25	\$8,159.25	\$8,159.25
4I	Pacific Gas and Electric Company	7990-000	NA	NA	\$93.39	\$93.39
6I	Office of the United States Trustee	7990-000	NA	NA	\$3.72	\$3.72
7I	Office of the United States Trustee	7990-000	NA	NA	\$11.16	\$11.16
8	Solomon Cordwell BuenzAttn: Louis Gale	7100-000	NA	\$29,392.52	\$29,392.52	\$29,392.52
8I	Solomon Cordwell BuenzAttn: Louis Gale	7990-000	NA	NA	\$336.43	\$336.43
Dkt 100I	Stanley Zlotoff	7990-000	NA	NA	\$240.37	\$240.37
TOTAL GENERAL UNSECURED CLAIMS			\$0.00	\$52,004.43	\$52,897.72	\$52,897.72

Form 1

Individual Estate Property Record and Report

Asset Cases

Exhibit 8

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Case No.: 16-50041

Case Name: BRIAND PROPERTIES, LLC

Trustee Name: (001760) Kari S. Bowyer

Date Filed (f) or Converted (c): 07/07/2016 (c)

§ 341(a) Meeting Date: 08/09/2016

For Period Ending: 01/05/2018

Claims Bar Date: 11/07/2016

1 Asset Description (Scheduled And Unscheduled (u) Property) Ref. #	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property Formally Abandoned OA=§554(a) abandon.	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1 Fremont Bank Account	0.00	0.00		0.00	FA
2 Security Deposit with PG&E	3,100.00	0.00		0.00	FA
3 Office Equipment and Supplies	5,000.00	0.00		0.00	FA
4 Real Property- Adjoining parcels 545 S. 2nd 472-26-085 and 540 S. 1st Parking Lot 472-26-035 Principal of debtor filed declaration with the court that the value of the underlying real property is worth \$3 Million dkt 38-1	4,500,000.00	3,000,000.00		3,640,000.00	FA
5 Ownership in Morgan Kane Food Service Inc. Non-operating business.	0.00	0.00		0.00	FA
6 Rotem Aisenman and Boris Drukker breach of joint venture	0.00	0.00		0.00	FA
7 Unpaid rent owed by Morgan Kane food services (appx 150k) uncollectible Business owed by business of principal's wife. Not operating, not collectible.	150,000.00	0.00		0.00	FA
7 Assets Totals (Excluding unknown values)	\$4,658,100.00	\$3,000,000.00		\$3,640,000.00	\$0.00

Form 1
Individual Estate Property Record and Report
Asset Cases

Exhibit 8

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For Period Ending: 01/05/2018

Trustee Name: (001760) Kari S. Bowyer

Date Filed (f) or Converted (c): 07/07/2016 (c)

§ 341(a) Meeting Date: 08/09/2016

Claims Bar Date: 11/07/2016

Major Activities Affecting Case Closing:

07/07/16 Case converted. Reviewed court docket, motion for relief from stay and motion to convert to ascertain issues. Review case from potential purchaser of the assets, listen to hearing re conversation appears main asset real property located on 1st and 2nd street;

07/08/16 conference call Julie Rome-Banks re potential offer from MBH Properties LLC for 1st and 2nd street properties, call with secured creditors re their claim and request quote for insurance on the the underlying properties. Retain counsel for the estate- G. Kleiner.

07/10/16 Review email from counsel re insurance and review quote for insurance.

07/11/16 Phone conference with estate's counsel re moving forward with marketing and sale of the property; Site visit.

07/12/16 Spoke with counsel re case strategy, phone conference with real estate agent re sale of 1st and 2nd street properties.

07/21/16 Initial correspondence in response to principal's questions; phone conference with Debtor's counsel re moving case forward; correspondence with estate's counsel re moving case forward and potential issues

07/22/16 Review and sign contract to sell real property to MBH Properties, subject to overbid and time to market, deposit due within 15 calendar days.

07/24/16 Email to counsel re setting administrative claims bar date.

07/28/16 Phone conference with city of San Jose re environmental issue-and spoke with counsel and city to resolve.

08/03/16 On-site visit with real estate agent to value property.

08/04/16 Review multiple pleadings and sign declaration re ex-parte application to evict unauthorized occupants on the property.

08/05/16 Phone/email correspondence with real estate agent re placing property on MLS and initial price.

08/09/16 Initial MOC scheduled- counsel present, responsible individual failed to appear.

08/10/16 Review proposal by Tower to purchase properties. Review and respond to voicemail left by someone who claims they are renting space to park RV on estate property.

08/11/16 Email notice of continued meeting of creditors and file it with the court. Phone conversation with counsel re second 10 minute email from Ms. Dorian. Drafted and email correspondence to Ms. Dorian.

08/15/16 Confirm signed agreement with Tower to purchase underlying real property. Seek agreement with real estate agent to reduce commission in half.

08/16/16 Arrange time for real estate agent and lock smith to meet at the underlying property with the US Marshals

08/17/16 Review email RV occupier re vacating property. Arrange time to meet.

08/16/16 File motion to sell real property, subject to overbid filed with court.

08/23/16 Continued MOC scheduled, counsel present, responsible individual unable to gain access to meeting room- spoke with him off the record. Continued meeting scheduled.

08/24/16 Email/phone call with counsel re requirement surplus funds goes to debtor not third parties; attempt to contact tow company to tow vehicles off of property.

08/25/16 US Marshall present at property and remove all individuals from the property.

08/29/16 Travel to properties for removal of abandoned car.

09/01/16 Errata to original sale motion filed, surplus funds will go to debtor.

09/06/16 Continued MOC scheduled. Counsel appeared- responsible individual absent- Matter continued.

09/07/16 Hearing on sale of underlying real property, Counsel confirmed responsible individual present.

09/12/16 Phone conference with counsel re status of case and issues with principal; forward documents to counsel to review

09/14/16 Review email from counsel re issues with closing, phone conference with counsel re same

09/16/16 Phone conference with counsel and title company re calls from Mr. Dorian (Debtor's principal).

09/20/16 Purchasers are seeking extension to close escrow, additional costs if we prolong escrow, seek additional funds for extended time.

09/26/16 Phone conference with counsel re potential break-in at the Briand Properties and request buyers secure as the estate has no funds.

09/27/16 Phone conference with agent for buyers re securing the real property; On-site review of the premises with San Jose police.

10/3/16 Sign and return updated employment documents for estates counsel, new firm Rincon; Draft and forward email correspondence to Mr. Dorian

10/4/16 Continued Meeting of creditors- Meeting concluded

10/17/16 Email to title company re status of closing escrow.

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Form 1
Individual Estate Property Record and Report
Asset Cases

Exhibit 8

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Case No.: 16-50041

Case Name: BRIAND PROPERTIES, LLC

For Period Ending: 01/05/2018

Trustee Name: (001760) Kari S. Bowyer

Date Filed (f) or Converted (c): 07/07/2016 (c)

§ 341(a) Meeting Date: 08/09/2016

Claims Bar Date: 11/07/2016

10/20/16 Review final seller's statement re closing
10/24/16 Phone conference with counsel re close of escrow, need for additional order and other issues to move case forward.
10/25/16 Application to amend sale order to increase underlying sale price from \$3,600,000 to \$3,640,000
10/26/16 Phone conference with counsel re Principal and email/threats to various professionals, further phone conference re issue with closing
10/26/16 Round Trip to title company to sign closing documents.
11/1/16 Phone/email to counsel re closing case
11/3/16 Confirm receipt of sale funds.
11/7/16 Phone conference with counsel re closing and Mr. Dorian. Email to Mr. Dorian re confirmation of address for payment, entry of information on final settlement statement and prepare check for mailings
11/20/16 Review filed claims, confirm no objects required.
11/26/16 Report of sale filed (Dkt 96)
12/30/16 File adversary against principal, spouse and third parties for declaratory relief.
02/22/17 Phone conference with counsel re status of the underlying AP
03/29/17 Phone conference with counsel re settlement and conforming order for payment of excess funds pursuant to code.
04/25/17 Seek default judgment in the underlying AP against Ms. Dorian.
05/12/17 Judgment entered against Ms. Dorian in the underlying adversary.
05/18/17 Review email from counsel re judgment- sent message to R. Pierroti to prepare final tax returns for the estate.
06/02/17 Phone conference with counsel re closing case.
06/06/17 Review and approve accountants fees, review and approve prior counsel's fees.
06/07/17 Begin preparing final fee application, phone conference with counsel re creditor issues, receive and review tax return- money owed. Reviewed order re payment, email to estate's counsel to confirm order on hand is sufficient, prepare tax payment.
06/20/17 Continue drafting Narrative and reviewing time records, review email from principal and response from counsel,
06/27/17 Review attorney fee application and approve. ort
06/28/17 Continuing reviewing claims, preparing TFR and Final fee application
06/30/17 Finalize all and submit TFR to the UST's office.
07/01/17 TFR submitted, informed counsel.
07/19/17 Review San Jose Tower's motion for misc relief re surplus funds;
07/21/17 Review reply by Debtor's principal; phone call with counsel re response needed. Review and confirmed filed with the court.
07/25/17 Hearing held re motion by San Jose Towers re disposition of surplus funds.
08/02/17 Order entered, motion and briefing schedule taken off calendar; counsel forwarded updated fee application;
08/04/17 Prepare and submit amended TFR.
10/2/17 Order entered approving all fee applications and TFR; over payment listed for estate's counsel.
10/4/17 Confirmed payment amount with Rincon, update distribution to reduce claim to Rincon and increase surplus to debtor.
12/17/17 confirmed all checks cleared file TDR.

Current Projected Date Of Final Report (TFR): 08/04/2017 (Actual)

Initial Projected Date Of Final Report (TFR): 07/22/2017

Form 2

Exhibit 9
Page: 1

Cash Receipts And Disbursements Record

Case No.: 16-50041

Trustee Name:

Kari S. Bowyer (001760)

Case Name: BRIAND PROPERTIES, LLC

Bank Name:

Rabobank, N.A.

Taxpayer ID #: **-***6785

Account #:

*****8000 Checking

For Period Ending: 01/05/2018

Blanket Bond (per case limit): \$92,391,005.00

Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
11/03/16					1,441,447.14		1,441,447.14
	{4}	Cornerstone Title Company	Contract Sales Price \$3,640,000.00	1110-000			1,441,447.14
		Robert Paul Didier Inc. Benefit Plan, et alPatric J. Kelly Adleson, Hess and Kelly, APC	-1,098,250.00	4110-000			1,441,447.14
		Robert Paul Didier Inc. Benefit Plan, et alPatric J. Kelly Adleson, Hess and Kelly, APC	Daily Interest thru 11/2/16 to Sequoia Mortgage Capital -\$334,234.08	4110-000			1,441,447.14
		Robert Paul Didier Inc. Benefit Plan, et alPatric J. Kelly Adleson, Hess and Kelly, APC	Interest from 11/3/16 thru 11/4/16 @734.88/day -\$1,469.76	4110-000			1,441,447.14
		Robert Paul Didier Inc. Benefit Plan, et alPatric J. Kelly Adleson, Hess and Kelly, APC	Additional Interest -\$95.00	4110-000			1,441,447.14
		Robert Paul Didier Inc. Benefit Plan, et alPatric J. Kelly Adleson, Hess and Kelly, APC	Accrued Late Charges to Sequoia -\$32,215.36	4110-000			1,441,447.14
		Robert Paul Didier Inc. Benefit Plan, et alPatric J. Kelly Adleson, Hess and Kelly, APC	Unpaid Charges to Sequoia Mortgage Capital Inc. -\$175,442.96	4110-000			1,441,447.14
		Robert Paul Didier Inc. Benefit Plan, et alPatric J. Kelly Adleson, Hess and Kelly, APC	Unpaid Interest to Sequoia Mortgage -\$2,658.72	4110-000			1,441,447.14
		Berliner Cohen LLP c/o Christian E. Picone	Principal to Berliner Cohen, LLP -\$277,184.93	4110-000			1,441,447.14
		Berliner Cohen LLP c/o Christian E. Picone	Interest from 09/14/16 thru 11/4/16 @ 75.65/day -\$3,933.80	4110-000			1,441,447.14
		Intero Real Estate	Listing Commission- Intero Real Estate; Lincoln -\$18,000.00	3510-000			1,441,447.14
		County of Santa Clara	County Taxes (Paid) 11/2/16 to 01/01/17 \$1,607.39	2820-000			1,441,447.14
		County of Santa Clara	County Taxes Paid 11/2/16 to 01/01/17 \$2,362.77	2700-000			1,441,447.14
		Cornerstone	Escrow Fee -\$1,600.00	2500-000			1,441,447.14
		Cornerstone	Notary Fee -\$30.00	2500-000			1,441,447.14
		Cornerstone	FTB Filing -\$45.00	2500-000			1,441,447.14
		Cornerstone	Owner's Coverage -\$4,110.00	2500-000			1,441,447.14
		County of Santa Clara	County Transfer Tax split 50/80	2500-000			1,441,447.14

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Form 2

Exhibit 9

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Cash Receipts And Disbursements Record

Case No.: 16-50041

Trustee Name:

Kari S. Bowyer (001760)

Case Name: BRIAND PROPERTIES, LLC

Bank Name:

Rabobank, N.A.

Taxpayer ID #: **-***6785

Account #:

*****8000 Checking

For Period Ending: 01/05/2018

Blanket Bond (per case limit): \$92,391,005.00

Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
		City of San Jose	City Transfer Tax split 50/50 -\$2,002.00 -\$6,006.00	2820-000			1,441,447.14
		County of Santa Clara	Order- Recording -\$37.00	2500-000			1,441,447.14
		Trustee Insurance Agency	Fire/liability Insurance Premium -\$2,931.44	2200-000			1,441,447.14
		Andy Buchanan	Reimbursement for funds advanced for invoice from Tomys Lock and Key to A. Buchanan -\$293.30	2420-000			1,441,447.14
		US Marshall	Marshall Eviction -\$260.54	2420-000			1,441,447.14
		Kari Bowyer	Reimbursement for towing service advanced by K. Bowyer to H&R Towing -\$250.00	2420-000			1,441,447.14
		Santa Clara County	2016/17 Property Taxes to Santa Clara County -\$4,903.89	2820-000			1,441,447.14
		Franchise Tax Board	FTB withholding based on 3.33% -\$121,212.00	2820-000			1,441,447.14
		Santa Clara County Office of the Tax Collector	Prior Year Taxes good through November 2016 -\$108,293.08	4110-000			1,441,447.14
			1st Installment 2016*17 Property Taxes -\$7,208.45	2820-000			1,441,447.14
			Credit \$154.29	2420-000			1,441,447.14
11/07/16	101	Michael Dorian	Payment made pursuant to the sales contract and order Dkt 87 and amended order dkt. 92 Voided on 11/07/2016	8200-052		345,000.00	1,096,447.14
11/07/16	101	Michael Dorian	Payment made pursuant to the sales contract and order Dkt 87 and amended order dkt. 92 Voided: check issued on 11/07/2016	8200-052		-345,000.00	1,441,447.14
11/07/16	102	Cornerstone Title Company	Return of funds to title company to be distributed to Michael Dorian from escrow. Order Dkt. 87/92	8200-052		345,000.00	1,096,447.14
11/30/16		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		1,514.46	1,094,932.68
12/30/16		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		1,570.59	1,093,362.09
01/04/17	103	International Sureties, LTD	2017 Bond Renewal - Bond # 016048574	2300-000		531.34	1,092,830.75
01/31/17		Rabobank, N.A.	Bank and Technology Services	2600-000		1,676.71	1,091,154.04

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Cash Receipts And Disbursements Record

Case No.: 16-50041

Case Name: BRIAND PROPERTIES, LLC

Taxpayer ID #: **-***6785

For Period Ending: 01/05/2018

Trustee Name:

Kari S. Bowyer (001760)

Bank Name:

Rabobank, N.A.

Account #:

*****8000 Checking

Blanket Bond (per case limit): \$92,391,005.00

Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
02/28/17		Rabobank, N.A.	Fees Bank and Technology Services Fees	2600-000		1,464.83	1,089,689.21
03/31/17		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		1,619.60	1,088,069.61
04/28/17		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		1,460.69	1,086,608.92
05/04/17	104	Franchise Tax Board	California Minimum Franchise Tax Payment for 2017; Paid pursuant to court order Dkt 103	2820-000		800.00	1,085,808.92
05/31/17		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		1,719.22	1,084,089.70
06/08/17	105	FRANCHISE TAX BOARD	2016 Form 568- Briand Properties, LLC B/E	2820-000		2,684.00	1,081,405.70
10/02/17	106	Kari S. Bowyer	Combined dividend payments for Claim #FEE, TE Voided on 10/04/2017			97,863.05	983,542.65
			Claims Distribution - Thu, 08-03-2017 \$97,757.86	2100-000			983,542.65
			Claims Distribution - Thu, 08-03-2017 \$105.19	2200-000			983,542.65
10/02/17	107	Dentons US LLP	Combined dividend payments for Claim #, Voided on 10/04/2017			41,487.01	942,055.64
			Claims Distribution - Thu, 08-03-2017 \$41,169.00	3210-000			942,055.64
			Claims Distribution - Thu, 08-03-2017 \$318.01	3220-000			942,055.64
10/02/17	108	Rincon Law LLP	Combined dividend payments for Claim #, Voided on 10/04/2017			47,100.76	894,954.88
			Claims Distribution - Thu, 08-03-2017 \$46,564.38	3110-000			894,954.88
			Claims Distribution - Thu, 08-03-2017 \$536.38	3220-000			894,954.88
10/02/17	109	KOKJER, PIEROTTI, MAIOCCO & DUCK LLP	Combined dividend payments for Claim #, Voided on 10/04/2017			4,612.51	890,342.37
			Claims Distribution - Thu, 08-03-2017 \$4,556.50	3410-000			890,342.37
			Claims Distribution - Thu, 08-03-2017 \$56.01	3420-000			890,342.37
10/02/17	110	Office of the United States Trustee	Combined dividend payments for Claim #6, 6I, 7, 7I Voided on 10/04/2017			1,315.16	889,027.21

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Cash Receipts And Disbursements Record

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Case No.: 16-50041
Case Name: BRIAND PROPERTIES, LLC
Taxpayer ID #: **-***6785
For Period Ending: 01/05/2018

Trustee Name: Kari S. Bowyer (001760)
Bank Name: Rabobank, N.A.
Account #: *****8000 Checking
Blanket Bond (per case limit): \$92,391,005.00
Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
			Claims Distribution - Thu, 08-03-2017 \$325.00	2990-000			889,027.21
			Claims Distribution - Thu, 08-03-2017 \$3.72	7990-000			889,027.21
			Claims Distribution - Thu, 08-03-2017 \$975.28	2990-000			889,027.21
			Claims Distribution - Thu, 08-03-2017 \$11.16	7990-000			889,027.21
10/02/17	111	Stanley Zlotoff	Combined dividend payments for Claim #Dkt 100, Dkt 100I Voided on 10/04/2017			21,240.37	867,786.84
			Claims Distribution - Thu, 08-03-2017 \$21,000.00	6210-000			867,786.84
			Claims Distribution - Thu, 08-03-2017 \$240.37	7990-000			867,786.84
10/02/17	112	FRANCHISE TAX BOARD	Combined dividend payments for Claim #2P, 2PI, 2U, 2UI Voided on 10/04/2017			4,590.99	863,195.85
			Claims Distribution - Thu, 08-03-2017 \$3,739.64	5800-000			863,195.85
			Claims Distribution - Thu, 08-03-2017 \$42.80	7990-000			863,195.85
			Claims Distribution - Thu, 08-03-2017 \$799.40	7300-000			863,195.85
			Claims Distribution - Thu, 08-03-2017 \$9.15	7990-000			863,195.85
10/02/17	113	Internal Revenue Service	Combined dividend payments for Claim #3, 3I, 3-1, 3-1I Voided on 10/04/2017			13,809.53	849,386.32
			Claims Distribution - Thu, 08-03-2017 \$1,617.26	7100-000			849,386.32
			Claims Distribution - Thu, 08-03-2017 \$18.51	7990-000			849,386.32
			Claims Distribution - Thu, 08-03-2017 \$12,036.00	7300-000			849,386.32
			Claims Distribution - Thu, 08-03-2017 \$137.76	7990-000			849,386.32
10/02/17	114	Pacific Gas and Electric Company	Combined dividend payments for Claim #4, 4I Voided on 10/04/2017			8,252.64	841,133.68
			Claims Distribution - Thu, 08-03-	7100-000			841,133.68

Page Subtotals: \$0.00 \$47,893.53
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Cash Receipts And Disbursements Record

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Case No.: 16-50041
Case Name: BRIAND PROPERTIES, LLC
Taxpayer ID #: **-***6785
For Period Ending: 01/05/2018

Trustee Name: Kari S. Bowyer (001760)
Bank Name: Rabobank, N.A.
Account #: *****8000 Checking
Blanket Bond (per case limit): \$92,391,005.00
Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
			2017 \$8,159.25 Claims Distribution - Thu, 08-03-2017 \$93.39	7990-000			841,133.68
10/02/17	115	Solomon Cordwell BuenzAttn: Louis Gale	Combined dividend payments for Claim #8, 8I Voided on 10/04/2017			29,728.95	811,404.73
			Claims Distribution - Thu, 08-03-2017 \$29,392.52	7100-000			811,404.73
			Claims Distribution - Thu, 08-03-2017 \$336.43	7990-000			811,404.73
10/02/17	116	BRIAND PROPERTIES, LLC	Claim Dividend paid 100.00% on \$811,404.73] Claim Number SURPLUS Claim Filed Amount \$0.00 Voided on 10/04/2017	8200-002		811,404.73	0.00
10/04/17	106	Kari S. Bowyer	Combined dividend payments for Claim #FEE, TE Voided: check issued on 10/02/2017			-97,863.05	97,863.05
			\$97,757.86	2100-000			97,863.05
			\$105.19	2200-000			97,863.05
10/04/17	107	Dentons US LLP	Combined dividend payments for Claim #, Voided: check issued on 10/02/2017			-41,487.01	139,350.06
			\$41,169.00	3210-000			139,350.06
			\$318.01	3220-000			139,350.06
10/04/17	108	Rincon Law LLP	Combined dividend payments for Claim #, Voided: check issued on 10/02/2017			-47,100.76	186,450.82
			\$46,564.38	3110-000			186,450.82
			\$536.38	3220-000			186,450.82
10/04/17	109	KOKJER, PIEROTTI, MAIOCCO & DUCK LLP	Combined dividend payments for Claim #, Voided: check issued on 10/02/2017			-4,612.51	191,063.33
			\$4,556.50	3410-000			191,063.33

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Cash Receipts And Disbursements Record

Case No.: 16-50041

Trustee Name:

Kari S. Bowyer (001760)

Case Name: BRIAND PROPERTIES, LLC

Bank Name:

Rabobank, N.A.

Taxpayer ID #: **-***6785

Account #:

*****8000 Checking

For Period Ending: 01/05/2018

Blanket Bond (per case limit): \$92,391,005.00

Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
			\$56.01	3420-000			191,063.33
10/04/17	110	Office of the United States Trustee	Combined dividend payments for Claim #6, 6I, 7, 7I Voided: check issued on 10/02/2017			-1,315.16	192,378.49
			\$325.00	2990-000			192,378.49
			\$3.72	7990-000			192,378.49
			\$975.28	2990-000			192,378.49
			\$11.16	7990-000			192,378.49
10/04/17	111	Stanley Zlotoff	Combined dividend payments for Claim #Dkt 100, Dkt 100I Voided: check issued on 10/02/2017			-21,240.37	213,618.86
			\$21,000.00	6210-000			213,618.86
			\$240.37	7990-000			213,618.86
10/04/17	112	FRANCHISE TAX BOARD	Combined dividend payments for Claim #2P, 2PI, 2U, 2UI Voided: check issued on 10/02/2017			-4,590.99	218,209.85
			\$3,739.64	5800-000			218,209.85
			\$42.80	7990-000			218,209.85
			\$799.40	7300-000			218,209.85
			\$9.15	7990-000			218,209.85
10/04/17	113	Internal Revenue Service	Combined dividend payments for Claim #3, 3I, 3-1, 3-1I Voided: check issued on 10/02/2017			-13,809.53	232,019.38
			\$1,617.26	7100-000			232,019.38
			\$18.51	7990-000			232,019.38

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Cash Receipts And Disbursements Record

Case No.: 16-50041

Case Name: BRIAND PROPERTIES, LLC

Taxpayer ID #: **-***6785

For Period Ending: 01/05/2018

Trustee Name:

Kari S. Bowyer (001760)

Bank Name:

Rabobank, N.A.

Account #:

*****8000 Checking

Blanket Bond (per case limit): \$92,391,005.00

Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
			\$12,036.00	7300-000			232,019.38
			\$137.76	7990-000			232,019.38
10/04/17	114	Pacific Gas and Electric Company	Combined dividend payments for Claim #4, 4I Voided: check issued on 10/02/2017			-8,252.64	240,272.02
			\$8,159.25	7100-000			240,272.02
			\$93.39	7990-000			240,272.02
10/04/17	115	Solomon Cordwell BuenzAttn: Louis Gale	Combined dividend payments for Claim #8, 8I Voided: check issued on 10/02/2017			-29,728.95	270,000.97
			\$29,392.52	7100-000			270,000.97
			\$336.43	7990-000			270,000.97
10/04/17	116	BRIAND PROPERTIES, LLC	Claim Dividend paid 100.00% on \$811,404.73] Claim Number SURPLUS Claim Filed Amount \$0.00 Voided: check issued on 10/02/2017	8200-002		-811,404.73	1,081,405.70
10/04/17	117	Kari S. Bowyer	Combined dividend payments for Claim #FEE, TE			97,863.05	983,542.65
			Claims Distribution - Wed, 10-04-2017 \$97,757.86	2100-000			983,542.65
			Claims Distribution - Wed, 10-04-2017 \$105.19	2200-000			983,542.65
10/04/17	118	Dentons US LLP	Combined dividend payments for Claim #,			41,487.01	942,055.64
			Claims Distribution - Wed, 10-04-2017 \$41,169.00	3210-000			942,055.64
			Claims Distribution - Wed, 10-04-2017 \$318.01	3220-000			942,055.64
10/04/17	119	Rincon Law LLP	Combined dividend payments for Claim #,			46,564.38	895,491.26
			Claims Distribution - Wed, 10-04-2017 \$46,028.00	3110-000			895,491.26
			Claims Distribution - Wed, 10-04-2017 \$536.38	3220-000			895,491.26

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Cash Receipts And Disbursements Record

Case No.: 16-50041

Case Name: BRIAND PROPERTIES, LLC

Taxpayer ID #: **-***6785

For Period Ending: 01/05/2018

Trustee Name:

Kari S. Bowyer (001760)

Bank Name:

Rabobank, N.A.

Account #:

*****8000 Checking

Blanket Bond (per case limit): \$92,391,005.00

Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
10/04/17	120	KOKJER, PIEROTTI, MAIOCCO & DUCK LLP	Combined dividend payments for Claim #,			4,612.51	890,878.75
			Claims Distribution - Wed, 10-04-2017 \$4,556.50	3410-000			890,878.75
			Claims Distribution - Wed, 10-04-2017 \$56.01	3420-000			890,878.75
10/04/17	121	Office of the United States Trustee	Combined dividend payments for Claim #6, 6I, 7, 7I			1,315.16	889,563.59
			Claims Distribution - Wed, 10-04-2017 \$325.00	2990-000			889,563.59
			Claims Distribution - Wed, 10-04-2017 \$3.72	7990-000			889,563.59
			Claims Distribution - Wed, 10-04-2017 \$975.28	2990-000			889,563.59
			Claims Distribution - Wed, 10-04-2017 \$11.16	7990-000			889,563.59
10/04/17	122	Stanley Zlotoff	Combined dividend payments for Claim #Dkt 100, Dkt 100I			21,240.37	868,323.22
			Claims Distribution - Wed, 10-04-2017 \$21,000.00	6210-000			868,323.22
			Claims Distribution - Wed, 10-04-2017 \$240.37	7990-000			868,323.22
10/04/17	123	FRANCHISE TAX BOARD	Combined dividend payments for Claim #2P, 2PI, 2U, 2UI			4,590.99	863,732.23
			Claims Distribution - Wed, 10-04-2017 \$3,739.64	5800-000			863,732.23
			Claims Distribution - Wed, 10-04-2017 \$42.80	7990-000			863,732.23
			Claims Distribution - Wed, 10-04-2017 \$799.40	7300-000			863,732.23
			Claims Distribution - Wed, 10-04-2017 \$9.15	7990-000			863,732.23
10/04/17	124	Internal Revenue Service	Combined dividend payments for Claim #3, 3I, 3-1, 3-1I			13,809.53	849,922.70
			Claims Distribution - Wed, 10-04-2017 \$1,617.26	7100-000			849,922.70
			Claims Distribution - Wed, 10-04-2017 \$18.51	7990-000			849,922.70
			Claims Distribution - Wed, 10-04-2017	7300-000			849,922.70

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Cash Receipts And Disbursements Record

Case No.: 16-50041

Trustee Name:

Kari S. Bowyer (001760)

Case Name: BRIAND PROPERTIES, LLC

Bank Name:

Rabobank, N.A.

Taxpayer ID #: **-***6785

Account #:

*****8000 Checking

For Period Ending: 01/05/2018

Blanket Bond (per case limit): \$92,391,005.00

Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
			\$12,036.00 Claims Distribution - Wed, 10-04-2017 \$137.76	7990-000			849,922.70
10/04/17	125	Pacific Gas and Electric Company	Combined dividend payments for Claim #4, 4l			8,252.64	841,670.06
			Claims Distribution - Wed, 10-04-2017 \$8,159.25	7100-000			841,670.06
			Claims Distribution - Wed, 10-04-2017 \$93.39	7990-000			841,670.06
10/04/17	126	Solomon Cordwell BuenzAttn: Louis Gale	Combined dividend payments for Claim #8, 8l			29,728.95	811,941.11
			Claims Distribution - Wed, 10-04-2017 \$29,392.52	7100-000			811,941.11
			Claims Distribution - Wed, 10-04-2017 \$336.43	7990-000			811,941.11
10/04/17	127	BRIAND PROPERTIES, LLC	Claim Dividend paid 100.00% on \$811,941.11] Claim Number SURPLUS Claim Filed Amount \$0.00	8200-002		811,941.11	0.00

COLUMN TOTALS

1,441,447.14

1,441,447.14

\$0.00

Less: Bank Transfers/CDs

0.00

0.00

Subtotal

1,441,447.14

1,441,447.14

Less: Payments to Debtors

1,156,941.11

NET Receipts / Disbursements

\$1,441,447.14

\$284,506.03

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Cash Receipts And Disbursements Record

Case No.: 16-50041
Case Name: BRIAND PROPERTIES, LLC
Taxpayer ID #: **_***6785
For Period Ending: 01/05/2018

Trustee Name: Kari S. Bowyer (001760)
Bank Name: Rabobank, N.A.
Account #: *****8000 Checking
Blanket Bond (per case limit): \$92,391,005.00
Separate Bond (if applicable): N/A

TOTAL - ALL ACCOUNTS	NET DEPOSITS	NET DISBURSEMENTS	ACCOUNT BALANCES
*****8000 Checking	\$1,441,447.14	\$284,506.03	\$0.00
	\$1,441,447.14	\$284,506.03	\$0.00